

2018 Current Fiscal Year Report: Industry Trade Advisory Committee on Customs Matters and Trade Facilitation

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2018

3. Committee or Subcommittee

Industry Trade Advisory Committee on Customs Matters and Trade Facilitation

3b. GSA Committee No.

21418

4. Is this New During Fiscal Year?

No

5. Current Charter

02/14/2018

6. Expected Renewal Date

02/14/2020

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority

P.L. 93-618

13. Effective Date

03/27/1975

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee Other Committee

16a. Total Number of Reports

1

16b. Report Date

09/27/2018

Report Title

Statutory Advisory Report on the Trade Agreement with Mexico and Potentially Canada

Number of Committee Reports Listed: 1

17a. Open 0 17b. Closed 7 17c. Partially Closed 0 Other Activities 0 17d. Total 7

Meetings and Dates

Purpose

The Committee members met to be briefed and provide advice on the following issues, including: ITA Priorities on Customs Matters and Trade Facilitation; NAFTA 2.0 negotiations with Mexico and Canada; WTO Trade Facilitation Agreement implementation issues and National Committee on Trade Facilitation (NCTF); U.S.-United Kingdom (UK) trade issues; and update on discussions with Korea on KORUS FTA issues.

Start

End

10/03/2017 - 10/03/2017

The Committee members met to be briefed and provide advice on the following issues, including: NAFTA 2.0 negotiations with Mexico and Canada; WTO Trade Facilitation Agreement (TFA) Committee Meeting issues and National Committee on Trade Facilitation (NCTF); WTO TFA Technical Assistance and Capacity Building; Generalized System of Preferences (GSP); and Miscellaneous Tariff Bill (MTB).

12/19/2017 - 12/19/2017

The Committee members met to be briefed and provide advice on the following issues, including: NAFTA 2.0 negotiations with Mexico and Canada; WTO Trade Facilitation Agreement (TFA) National Committee on Trade Facilitation (NCTF); WTO TFA Technical Assistance and Capacity Building; Generalized System of Preferences (GSP); and Miscellaneous Tariff Bill (MTB). 02/06/2018 - 02/06/2018

The Committee members met for start of new charter term and was briefed and provided advice on the following issues, including: NAFTA 2.0 negotiations with Mexico and Canada; WTO Trade Facilitation Agreement (TFA); Update on USTR discussions with Korea on KORUS FTA; and China Section 301 Proposed Actions. 05/09/2018 - 05/09/2018

The Committee members met to be briefed and provide advice on the following issues, including: NAFTA 2.0 negotiations with Mexico and Canada; WTO Trade Facilitation Agreement (TFA); and WTO Customs Valuation Committee Meeting. Also, Committee business on election of new committee officers for new charter term. 06/21/2018 - 06/21/2018

The Committee members met to be briefed and provide advice on the following issues, including: China Section 301 proposed actions; Section 232 Steel and Aluminum; NAFTA 2.0 negotiations with Mexico and Canada; U.S.-U.K. Trade and Investment Working Group on Rules of Origin; World Customs Organization HTS Committee Rulings; World Customs Organization E-Commerce Framework of Standards; and WTO Trade Facilitation Agreement (TFA). 09/12/2018 - 09/12/2018

The Committee members met to deliberate on and finalize a pre-decisional draft statutory advisory report on the Trade Agreement with Mexico and Potentially Canada. The Report was finalized, adopted out of Committee, and sent forward to the U.S. Trade Representative with a copy to the Secretary of Commerce. 09/24/2018 - 09/24/2018

Number of Committee Meetings Listed: 7

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$49,944.00	\$50,000.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$49,944.00	\$50,000.00
19. Federal Staff Support Years (FTE)	0.30	0.30

20a. How does the Committee accomplish its purpose?

The Committee shall perform such functions and duties and prepare such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary and USTR on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

20b. How does the Committee balance its membership?

Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being ability to carry out the objectives of this Committee as set forth in Section 3 of the Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

20c. How frequent and relevant are the Committee Meetings?

Estimated Number of Meetings per Year - 4.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This Committee is essential to carry out the Secretary and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

20e. Why is it necessary to close and/or partially closed committee meetings?

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The United States Trade Representative evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

21. Remarks

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the Federal Advisory Committee Act (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee.

Designated Federal Officer

Ashlyn Holeyfield International Trade Specialist

Committee Members	Start	End	Occupation
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Balido, Nelson	02/28/2018	02/14/2022	Border Commerce and Security Council
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Member Designation
Representative Member

Bermudez, Michael	02/28/2018	02/14/2022	Parsons Corporation	Representative Member
Hawley, Lorraine	02/28/2018	02/14/2022	Archer Daniels Midland Company	Representative Member
Justice, Cary	02/28/2018	02/14/2022	Alticor Inc	Representative Member
Leo, Robert	02/28/2018	02/14/2022	Legal Advisor, representing Johnson & Johnson Company	Representative Member
Marko, David	03/13/2014	02/14/2018	Legal Advisor, representing Duty Free Air and Ship Supply Company	Representative Member
McGovern, John	02/28/2018	02/14/2022	MKS Instruments, Inc	Representative Member
Moeller, Rory	02/28/2018	07/18/2018	IOMAX USA, Inc.	Representative Member
Muhlstein, Carolyn	02/28/2018	02/14/2022	Cisco Systems, Inc.	Representative Member
Mullen, Michael	02/28/2018	02/14/2022	Express Association of America	Representative Member
Murphy, Michael	02/28/2018	02/14/2022	World Trade Center of Central Pennsylvania	Representative Member
Perkins, Robert	02/28/2018	02/14/2022	Consultant, representing Livingston International	Representative Member
Petersen, Catherine	12/04/2014	02/14/2018	Consultant, representing Sioux Falls Development Foundation	Representative Member
Ramos Chesnes, Sharlene	02/28/2018	02/14/2022	InterChez Logistics Systems, Inc.	Representative Member
Treglia, AnnMarie	02/28/2018	02/14/2022	Dart Container Corporation	Representative Member
Wilk, Lauren	08/25/2015	02/14/2018	National Association of Manufacturers	Representative Member

Number of Committee Members Listed: 16

Narrative Description

The Committee shall perform such functions and duties and prepare such reports as may be required by section 135 of the Trade Act with respect to the industry trade advisory committees. The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Trade Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Trade Act. The Committee functions solely as an advisory committee in accordance with the provisions of the FACA, as amended, 5 U.S.C. App., with the exceptions set forth in the Trade Act. In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting its sectors; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

6

Number of Recommendations Comments

On average 2-3 recommendations are made annually. The number of recommendations are for the 2014-2018 charter term.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bilateral and multilateral trade negotiations.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bilateral and multilateral trade negotiations.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's policy staff and tasked to appropriate ITA unit to prepare draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's review and signature, which ensures that ITAC advice is weighed and considered.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

Outcome does not apply.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Access Comments

USTR maintains an Advisors' secure website for advisors to access the documents.